

67C.410 Unfair labor practices and remedies therefor -- Hearing -- Final order -- Appeal to Circuit Court.

Violations of the provisions of KRS 67C.406 shall be deemed to be unfair labor practices remedial by the cabinet in the following manner:

- (1) Whenever it is charged by a consolidated local government or a labor organization that any person has engaged in or is engaging in any unfair labor practices, the cabinet or any hearing officer designated by the cabinet shall conduct an administrative hearing in accordance with KRS Chapter 13B;
- (2) If, upon the preponderance of the evidence presented, the cabinet is of the opinion that any person named in the charge has engaged in or is engaging in an unfair labor practice, then it shall issue a final order requiring the person to cease and desist from the unfair labor practice, and to take any affirmative action including reinstatement of police officers with or without back pay, as will effectuate the policies of this section. The final order may further require the person to make reports from time to time showing the extent to which he or she has complied with the order. If, upon the preponderance of the evidence presented, the cabinet is not of the opinion that the person named in the charge has engaged in or is engaging in the unfair labor practice, then the cabinet shall issue a final order dismissing the complaint. No final order shall issue based upon any unfair labor practice occurring more than six (6) months prior to the filing of the charge with the cabinet, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the Armed Forces, in which event the six (6) month period shall be computed from the day of his or her discharge. No final order of the cabinet shall require the reinstatement of any individual as a police officer who has been suspended or discharged, or the payment to the individual of any back pay, if the individual was suspended or discharged for cause;
- (3) Until a final order has been appealed, the cabinet at any time, upon reasonable notice and in the manner that it deems proper, may modify or set aside, in whole or in part, any final order made or issued by it;
- (4) The cabinet or the charging party may petition for the enforcement of the final order and for appropriate temporary relief or restraining order in the Circuit Court for the county in which the violation occurred; and
- (5) Any person aggrieved by a final order of the cabinet may obtain a review of the final order by filing a petition in the Circuit Court assigned jurisdiction under subsection (4) of this section in accordance with KRS Chapter 13B.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 67, effective July 15, 2010. -- Created 2004 Ky. Acts ch. 101, sec. 6, effective July 13, 2004.